

- (2) If the utility does not resolve the complaint, the utility shall:
- a. advise the complainant of his right to complain to the Commission without incurring a filing charge;
 - b. include the mailing and street address and telephone numbers (local and toll-free) of the Commission's Consumer Services Office; and,
 - c. advise the complainant that he may still ask the Commission to review the complaint after suspension.

Rule 2.07. Complaints to the Commission

A. Informal Complaints

(1) Information Required

Complaints may be in written or oral form. Complainants shall give a name, address, name of the utility involved, account number if known, detailed description of the complaint, and the desired result.

(2) Notice to Customer and Utility

Within 3 business days after receiving an informal complaint, the Commission shall:

- a. explain complaint procedures to the complainant by telephone or in writing; and,
- b. provide the details of the complaint to the utility.

(3) Utility Contact for Complaints

Each utility shall give the Commission's Consumer Services Office a current list of personnel who answer Commission questions about complaints. A utility representative with the authority to process Commission questions about complaints must always be available during business hours.

Utilities shall immediately report any change in the contact personnel to the Commission's Consumer Services Office.

(4) Commission Requests for Information

- a. Under Ark. Code Ann. § 23-2-309 the Commission may, at any time, require a utility to furnish any information which may be in its possession concerning rates, tolls, fares, charges, or practices used in conducting its service.
- b. Requests may include, but are not limited to, copies of correspondence, internal memoranda, and reports to the customer; and, an itemized billing history which includes all billed amounts, applicable billing and due dates, information contained on shut-off notices, customer payments, suspensions, and reconnections.

(5) Utility Responses to Requests for Information

- a. A utility shall respond to Commission requests for information concerning any complaints as quickly as possible but not later than 15 calendar days after receipt.
- b. The utility shall respond directly to the Commission and shall not initiate contact or correspond with the complainant, unless first authorized by a representative of the Commission's Consumer Services Office.

(6) Effect Of Complaint on Suspension

- a. When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Commission processes the complaint. If the utility's reason for shutting off service is Rule 6.01.A., D., E., F., H., O., or Q., the customer may be required to post a deposit with the utility equal to the disputed amount while the utility or the Commission processes a complaint. The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service. If the utility is in error, the deposit will be refunded with interest.
- b. The utility may waive the deposit allowed by this Rule.

- c. Nothing contained in Rule 2.07.A.(6)a. shall prevent a customer who fails to post a deposit under this Rule from filing a formal complaint with the Commission.
- d. The utility may suspend service for some other valid reason set out in Rule 6.01. while the utility or the Commission processes the complaint.

(7) Commission Investigation and Report

The Commission shall investigate each informal complaint, issue an informal complaint investigation report to the complainant, and notify the utility of the results of the investigation. The Commission will provide the utility a copy of any written investigation report given to the complainant.

(8) Disputed Results

The utility or the complainant may file a formal complaint if not satisfied with the informal complaint results. The Commission shall provide information to the complainant which explains formal complaint procedures.

B. Formal Complaints

(1) Who May File

- a. Any chamber of commerce or board of trade, mercantile, agricultural, or manufacturing association, any public utility, any municipality, any customer of a public utility, any person unlawfully treated by a public utility, or any public utility unlawfully treated by a customer, may complain to the Commission in writing.
- b. Any consumer or prospective consumer of any utility service may complain to the Commission about the service, furnishing of service, or any discrimination in service or rates. (Ark. Code Ann. § 23-3-119.)

(2) Procedures

- a. Complaints must first be made to the utility before they are made to the Commission.

- b. The complaint shall be filed according to the Commission's Rules of Practice and Procedure. Sample copies of formal complaints and instructions are available from the Commission.

SECTION 3. APPLICATION FOR SERVICE

Rule 3.01. Application for Service

A. Application Methods

New service, additional service, transfer of service, or a change in service may be requested in writing, or, at the discretion of the utility, orally by telephone.

B. Record of Application

Each utility must keep a record of each written or verbal application for utility service as required by Rule 7.01. of these Rules.

EXCEPTION:

Gas and water utilities (which do not have an allocated territory) are not required to consider "requests for service when it is not feasible to provide the facilities" as applications for service. These requests for service shall be maintained in a file for 2 years but are not covered by other requirements of Rule 3.01.

C. Precedence of Service

Utilities shall not unreasonably discriminate in processing applications for service. Priority shall be given to applications involving medical emergency, and public health and safety.

D. Connection Deadlines

Utilities shall connect service within the time frames required by the applicable Commission Special Rules.

E. Information Provided at Time of Application

(1) Explanations and Assistance

- a. A utility shall offer to inform applicants about all rates, payment plans, and equipment options available for the applicant's class of service.

- b. A utility shall explain how often a customer's bill is mailed and when the bill is considered past due.
- c. If a utility requires a cooperative membership fee, a security deposit or guaranty for the applicant to receive service, the utility shall explain requirements and payment options.
- d. Local exchange carriers shall tell applicants that residential service connection fees may be billed in 6 equal monthly installments (Ark. Code Ann. § 23-17-116).

(2) Expected Service Date

When an applicant requests utility service, a utility shall provide an expected service date according to the service connection procedures in the applicable Commission Special Rules.

Rule 3.02. Application Form - Submission Requirements

A current copy of the form to be used for the application for service and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 3.03. Extension of Service

A. Requirements for Extension of Service

- (1) Extension of facilities shall be made according to:
 - a. the requirements in the Commission's Special Rules;
 - b. the Extension of Service Agreement set out in Subsection B. of this Rule if the applicant is required to pay any cost; and,
 - c. the utility's approved extension of facilities tariff as required by the Commission's Rules of Practice and Procedure.
- (2) The cost of the extension shall be based on the most economically feasible route from the utility's nearest point of connection to the applicant's point of delivery, consistent with sound engineering design for the utility system.

- (3) If the utility sizes facilities in excess of the applicant's requirements for service, any cost to be paid by the applicant shall be adjusted to reflect only the cost of his service requirements.

B. Extension of Service Agreement

If service will be provided, within 30 days of receipt of the application for service the utility shall provide the Extension of Service Agreement to the applicant and explain any payment options. If additional time is needed by the utility during this 30-day period, the utility will notify the applicant in writing of the reason for delay.

If a cost to the applicant will be required to extend service, the utility may require the applicant to sign an Extension of Service Agreement before construction begins.

The Extension of Service Agreement shall include the following:

- (1) Name and address of the applicant;
- (2) Date of application;
- (3) Location and description of the service point;
- (4) A summary of the engineering study, if any;
- (5) A sketch of the construction route;
- (6) Explanation of all costs in reasonable detail;
- (7) Estimated starting date of construction;
- (8) Estimated completion date of construction;
- (9) Terms of payment; and,
- (10) Customer reimbursement by utility, if applicable.

C. Sharing the Extension

Each utility shall make reasonable efforts to identify and notify residents and businesses in the general area of a proposed extension of service and give them an opportunity to participate in the extension. If a cost to the applicants will be required to extend service, the utility may require each applicant to sign an Extension of Service Agreement before construction begins.

Rule 3.04. Refusing Service

A. Reasons for Refusal

A utility may refuse service to an applicant only for the following reasons:

- (1) A bill from the utility for the same kind of utility service remains unpaid in the applicant's name;

EXCEPTION:

A utility may not refuse utility service to an applicant because of unpaid bills for merchandise or non-utility services purchased, rented, or leased from or through the utility.

- (2) Application for service following the relocation of the applicant and a former customer to new premises from premises where a bill remains unpaid for service which was provided to the former customer while the applicant was a full-time occupant;
- (3) Application for service at premises where there is an unpaid utility bill and where:
 - a. the former customer who owed the bill remains at the premises;
 - b. a full-time occupant of the premises when the bill was incurred remains at the premises; or,
 - c. a full-time user of the service when the bill was incurred remains at the premises.
- (4) The applicant is not in compliance with a Commission order, a delayed payment agreement, or an extension agreement with the utility entered with respect to service previously rendered by the utility to the applicant;
- (5) The applicant has not paid the utility an approved fee, charge, or deposit as provided for in these Rules or the utility's approved tariffs;
- (6) The applicant has not furnished adequate assurance of payment in the form of a deposit or other security for service within 20 days of an order for relief under the United States Bankruptcy Code, U.S.C.A. Title 11 § 366;

- (7) There is evidence that the applicant is using service in an unauthorized manner or is tampering with the equipment furnished and owned by the utility;
- (8) A misrepresentation to the utility by the applicant relevant to the conditions under which the applicant may obtain utility service;
- (9) The applicant has not provided acceptable evidence of identity. Acceptable evidence includes the following:
 - a. driver's license or state ID card;
 - b. military ID;
 - c. ID from place of employment;
 - d. social security card;
 - e. current student ID;
 - f. passport;
 - g. birth certificate; and,
 - h. any other evidence which would establish identity;

If a utility reasonably believes that the evidence offered is unreliable, it may refuse to accept it and seek additional evidence from the applicant.

- (10) The applicant is not in compliance with all state and/or municipal regulations governing the service applied for;
- (11) The applicant is not in compliance with the utility's tariffs which have been approved by this Commission;
- (12) The service applied for is of such character that it is likely to unfavorably affect the service to other customers;
- (13) The connection of utility service to the applicant's equipment would create a hazard;
- (14) The applicant is causing or threatening injury to a utility employee or an employee's family to retaliate for or prevent an act the utility performs in the course of business;
- (15) The applicant is causing or threatening damage to utility property; or,

- (16) An applicant for a party line had party-line service disconnected within the previous 12 months because of unreasonable, unlawful, or abusive use of that service.

B. Notice to Applicant

If a utility refuses to serve an applicant, it shall give an explanation in writing to the applicant within 7 business days. The explanation shall include the following:

- (1) The reason for refusing service, including the applicable Commission Rule;
- (2) The conditions, if any, under which service would be provided; and,
- (3) The applicant's right to complain to the Commission, including the local and toll-free telephone numbers and mailing and street address of the Commission.

Rule 3.05. Disputed Charge: Providing Service

- A. When a utility refuses to serve an applicant for not paying a previous bill and the applicant disputes the amount due, the applicant may complain to the Commission.
- B. A utility may require a deposit of the disputed amount before serving the applicant. However, a utility may waive this deposit.
- C. Once a deposit of the disputed amount is either posted or waived, the utility shall serve the applicant, pending final disposition of the dispute.
- D. When the complaint is resolved, the utility shall promptly refund any part of the deposit found to be due the applicant with interest from the date of the deposit.

SECTION 4. DEPOSITS

Rule 4.01. Deposits from Applicants

A. Conditions

A utility may require a deposit from any applicant to guarantee payment for service, subject to the conditions in Subsections A.(1) and (2).

- (1) A utility may not require a deposit or other guaranty based upon income, residential location, race, color, home ownership, creed, sex, marital status, age, or national origin.
- (2) A utility shall not demand a deposit as a condition of service from an applicant for residential service unless one or more of the following criteria applies:
 - a. the applicant cannot provide proof of a satisfactory payment history with the same kind of utility for the previous 12 months.
 - b. the applicant has a past due, unpaid account for previous utility service with the utility which is not in dispute.
 - c. the applicant did not pay bills from the utility by the close of business on the due date 2 times in a row or any 3 times in the last 12 months.
 - d. the applicant gave the utility 2 or more checks in payment for previous utility service within the most recent 12 month period of service which were returned unpaid for reasons other than bank error.
 - e. the applicant's service from the utility has been suspended during the last 24 months for one or more of the following reasons:
 - (i) nonpayment of any undisputed past due bill(s); or,
 - (ii) misrepresentation of the applicant's identity for the purpose of obtaining utility service; or,

(iii) failure to reimburse the utility for damages due to negligent or intentional acts of the customer; or,

(iv) obtaining, diverting, or using service without the authorization or knowledge of the utility.

f. information provided by the applicant upon application for service or within the previous 2 year period is materially false or materially misrepresentative of the applicant's true status, and the misrepresentation is relevant to the conditions under which the applicant may obtain utility service.

B. Amounts

Utilities shall determine the amount of a deposit as follows:

- (1) The deposit shall not be more than 2 average bills as defined in Rule 4.03. if payment for utility service is due after service begins;

EXCEPTION:

A utility may receive from a landlord a deposit which shall not exceed the estimated bill for 3 average billing periods.

- (2) The deposit shall not be more than 1 average bill as defined in Rule 4.03. if payment for utility service is due before service begins;
- (3) If a utility discovers that an applicant has used the utility's service without authorization, or tampered with the utility's equipment, it may charge that applicant a total deposit of not more than 6 average bills, plus the potential damage to utility equipment. The utility may not charge this deposit if the customer has received more than 2 years cumulative service since the utility discovered the unauthorized use or tampering;
- (4) If the utility has proof of a misrepresentation to the utility by the applicant relevant to the conditions under which the applicant obtained utility service, it may charge that applicant a total deposit of not more than twice the maximum bill. The utility may not charge this deposit if

the customer has received more than 2 years cumulative service since the utility discovered the misrepresentation.

- (5) In accordance with the United States Bankruptcy Code, U.S.C.A. Title 11 § 366, the utility may require an applicant to furnish adequate assurance of payment in the form of a deposit or other security.
- (6) If the applicant has previously left the utility's service owing a bill and that bill is unpaid at the time of application, the utility may require a deposit equal to twice the maximum billing.

C. Payment Procedures

Except for deposits under Rule 4.01.B.(3), applicants shall be allowed to pay the deposit in 2 installments - 1/2 of the deposit before receiving service and the remaining 1/2 with the first bill.

D. Receipts

Utilities shall give customers receipts for their deposits upon customer request.

Rule 4.02. Deposits from Customers

A. Conditions

A utility may only require a new deposit or an increase in the amount of a deposit from a customer for the following reasons:

- (1) The customer failed to pay a bill before the close of business on the shut-off date within the last 12 months;
- (2) The customer gave the utility 2 or more checks which were returned unpaid for reasons other than bank error in the last 12 months;
- (3) The customer did not pay bills by the close of business on the due date 2 times in a row or any 3 times in the last 12 months;

- (4) During the last 24 months, the customer misrepresented his identity or other facts relevant to the conditions under which the customer obtained or continued utility service;
- (5) The customer used service without authorization, tampered with utility equipment, or inflicted damage to utility equipment during the last 2 years;
- (6) The customer used more service than the estimate on which the utility based the deposit. The utility may not charge any additional deposit under Subsection A.(6) after the first 12 months of service unless the customer moves the service to a new location or expands the business or scope of operation at the original location;
- (7) In accordance with the United States Bankruptcy Code, U.S.C.A. Title 11 § 366, the utility may require a customer to furnish adequate assurance of payment in the form of a deposit or other security. This deposit may be in addition to all other deposits posted with the utility before the bankruptcy filing.

B. Amounts

When a utility charges a new or additional deposit, the total amount on deposit at any time shall not be more than the total of the customer's 2 highest bills during the last 12 months.

EXCEPTIONS:

(1) Deposit for Fraud or Tampering

If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, the total amount on deposit with the utility shall not be more than the estimated bill for 6 average billing periods plus the cost of potential damage to utility equipment.

(2) Bankruptcy

See Rule 4.02.A.(7) above.

C. Written Notice

A utility shall explain in writing the reason for charging any new or additional deposit, the amount of the deposit,

when the deposit must be paid, and the consequences of failing to pay the additional deposit.

D. Payment Procedures

Except for deposits under Rule 4.02.A.(5), a customer may pay 1/2 of any new or additional deposit in equal installments with the next 2 bills.

E. Receipts

Utilities shall give customers receipts for their deposits upon customer request.

Rule 4.03. Calculation of Average Bill

A. Telecommunications Utilities

The average bill is the total of the last 4 months' bills divided by 4.

B. All Other Utilities

(1) Seasonal Customers

The average bill is the total of the monthly bills during the "season" as defined in the utility's tariff -- for example, irrigation season or ginning season -- divided by the number of months of usage during the season.

(2) Non-Seasonal Customers

The average bill is the total of the last 12 months' bills divided by 12.

C. For Inadequate Billing History

If a customer or an applicant for service has fewer than the required number of months' billing history with the utility, the average bill shall not be more than the average monthly usage for that class and character of service.

Rule 4.04. Guaranty in Place of a Deposit

A. Requirements

(1) Residential Customers

Instead of a deposit, a utility shall accept the written guaranty of a qualified third party to pay an amount equal to the deposit. If a third party is a residential customer of the utility and meets the following conditions, he is qualified to act as a guarantor on one residential account:

- a. the customer presently has no deposit on file on his own account;
- b. the customer has had service for at least 12 months;
- c. the customer has not paid late more than two times in the last 12 months; and,
- d. the customer has not had service suspended for failure to pay in the last 12 months.

(2) Non-residential Customers

Instead of a deposit, a utility may accept the written guaranty of another customer to pay an amount equal to the deposit.

(3) Residential and Non-residential Customers

The utility may allow a customer to guarantee more than one account.

B. Liability

- (1) The liability of a guarantor shall be limited to the amount required for a deposit when the guaranty was made, or a revised amount allowed by Rule 4.02. and agreed to by the guarantor.
- (2) The guaranty shall end when a deposit would be refunded as outlined in Rule 4.06. or when the guarantor's account is closed.
- (3) The utility shall provide the guarantor a copy of the Guaranty Agreement Form which clearly states the amount of the guarantor's liability and which has been signed by the guarantor and the utility. The

guarantor's agreement shall be in the form set out in Subsection D. of this Rule.

C. Collection

A utility may collect the guaranteed amount on the guarantor's account as if it were a charge for service.

D. Guaranty Agreement Form

A guaranty agreement shall be in the following form and must be signed by the guarantor and the utility representative:

GUARANTY AGREEMENT

In consideration of _____ (utility) providing service to the below named person(s), I agree to be liable for an amount not to exceed \$_____ in lieu of a deposit for the following person(s):

NAME: _____

ADDRESS: _____

ACCOUNT #: _____

I also understand that _____ (utility) may transfer up to the above amount to my active account if the above-named person does not pay all of the final bill after the account has been closed. I understand I will be responsible for the lesser of the deposit or the amount the above-named person actually owes _____ (utility). This guaranty will transfer to my account (at other locations) should I change my service address. The guaranty on a residential account shall expire under the same conditions as would result in the refund of a deposit. I understand that utilities are not required to refund deposits on business or commercial accounts until the account is closed. I understand that I cannot terminate this guaranty before that time unless my account is closed. The amount of the guaranty is limited to the amount required for a deposit when the guaranty is made.

Signed: _____
Utility Representative

Signed: _____
Guarantor

Date: _____

Name: _____

Address: _____

Account #: _____

Date: _____

Witness: _____

Rule 4.05. Interest Payment on Deposits

- A. A utility shall pay interest annually on deposits pursuant to Ark. Code Ann. § 23-4-206.
- B. Interest shall not accrue on any deposit after the date the utility has made and documented a good faith effort to return the deposit to the depositor.

Rule 4.06. Refunding Deposits

- A. If a residential customer has paid all bills by the due date for the last 12 months, a utility must promptly refund the deposit. Utilities are not required to refund deposits on business or commercial accounts until the account is closed. Refunds may be made through a credit on the next billing cycle.

EXCEPTIONS:

(1) Fraud or Tampering

If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, a utility does not have to refund the deposit until an account is closed.

(2) Bankruptcy

If the deposit was subject to the jurisdiction of the United States Bankruptcy Courts, the utility shall comply with the United States Bankruptcy Code in refunding or retaining the deposit.

- B. When an account is closed, a utility shall apply any deposit and accrued interest to the amount due the utility. The utility shall promptly refund any balance due the depositor.

Rule 4.07. Deposits and Customer Name Changes

A utility may not require a residential customer to make or increase a deposit because of a name change, unless one or more of the conditions set out in Rule 4.02.A. applies.

Rule 4.08. Deposits and Changes in Service Locations

Except as provided in Rule 4.02.A., a utility shall not charge an additional deposit if a customer requests that his service end at one location and that the same kind and class of service from the same utility begin at another location and the change takes 90 days or less.

SECTION 5. BILLING

Rule 5.01. Information on Bill

Each bill shall contain the following information:

- A. Name and account number, or, for telephone service, the telephone number to which the utility service is billed;
- B. For bills based on meter readings:
 - (1) The beginning and ending meter readings;
 - (2) The dates of the meter readings if read by the utility;
 - (3) The number of days in the billing period if the meter is read by the utility;
 - (4) The quantity of units consumed and billed using the same units of measurement as the approved tariff; and,
 - (5) The rate schedule designation;
- C. For non-metered service, the beginning and ending dates of the billing period and the basic rate schedule designation;
- D. The net amount of all payments and other credits made to the account during the billing period;
- E. Any previous balance due;
- F. The amount of any "late payment charge" and an explanation of when it will apply;
- G. The date the bill was mailed;
- H. The date the bill is due;
- I. A list of all charges or credits, including:
 - (1) Deposit installments;
 - (2) Deposit refunds;
 - (3) Automatic adjustments;
 - (4) Customer or minimum charges;

- (5) Taxes, listed by kind;
- (6) Charges for other utility service;
- (7) Charges for non-utility merchandise, service, or equipment;
- (8) For local exchange carriers:
 - a. basic service;
 - b. federal end user common line charge;
 - c. mileage charges;
 - d. equipment;
 - e. custom calling services;
 - f. for each toll call, the amount, date, destination, duration, and rate period; and,
 - g. for toll calls which are collect or calls billed to a third number, the points of origin.
- J. If a utility estimates usage, this fact shall be clearly shown on the bill;
- K. If a utility uses industry-specific abbreviations for terms that explain the billing, it shall identify them on the bill;
- L. A statement that the customer may contact the utility about any problem with billing or service, or for a delayed payment agreement. The statement shall include an address and a telephone number where customers can call the utility without charge.

Rule 5.02. Bill Form - Submission Requirements

A current copy of the form to be used for billing and any revisions to that form shall be provided to the Commission's Consumer Services Office.

Rule 5.03. Billing Periods and Standards

- A. (1) Utilities shall bill customers regularly.

- (2) The billing period shall be no less than 25 days and no more than 35 days unless it is the first or final bill. Subdivision A.(2) does not apply to the billing of telephone intrastate access service.
- B. Utilities shall bill customers within 30 days after a meter reading.
 - C. If a utility changes a meter reading route or schedule which results in an alteration of a billing cycle of more than 5 days, it shall notify affected customers 30 days before the change in the billing cycle. A utility may notify affected customers by bill insert with the bill preceding the change.
 - D. If payment is initially made at a business office, billing records shall show the date payment is received. If payment is initially made to an authorized payment agent before the utility's close of business on the due date, billing records may show the date the payment was posted as long as the account record shows that the payment was not late.
 - E. If a utility discovers a billing error, it shall promptly notify customers who may be affected.

Rule 5.04. Mailing Date

Utilities shall not mail bills later than the mailing date printed on the bill.

Rule 5.05. Due Dates

- A. If no late charge is imposed, the due date of a bill shall not be less than 14 calendar days after the date a bill is mailed.
- B. If a utility imposes a late payment charge, the due date of the bill shall not be less than 22 calendar days after the date the bill is mailed.

Rule 5.06. Late Payment

- A. Payment may be considered late if the utility or its authorized agent for payment gets the payment after the utility's close of business on the due date on the bill.

- B. If the utility is not open on the due date, customers may pay by the utility's close of business on the next day the utility's business offices are open, without being late.
- C. Payment shall be considered late if a check is postdated beyond the due date or returned unpaid for reasons other than bank error.
- D. If a bank error causes a late payment, the utility shall correct its records to show that the customer paid the bill on time.
- E. If a utility issues a late notice or suspension notice to any customer whose payment was received by the utility or its authorized payment agent by the utility's close of business on the due date, the record of the late notice or suspension notice shall be deleted from the customer's account record.

Rule 5.07. Late Payment Charges

- A. A utility may calculate late payment charges only on an overdue portion of a bill for utility service.
- B. A late payment charge may not exceed 10 percent of the first 30 dollars of the customer's bill and 2 percent of the remainder.
- C. The amount of the late payment charge shall be set forth in the utility's tariffed schedule of fees and charges.

Rule 5.08. Estimated Usage for Billing

A utility may not estimate a customer's usage for more than 2 consecutive bills. If a utility estimates usage, it shall use the customer's consumption for the same time at that location the year before. A utility may apply a weather-sensitive factor to the consumption in arriving at the current month's estimated usage. If no figures are available for the current customer at that location for the previous year, a utility shall use the class average to estimate consumption.

EXCEPTION:

A utility may estimate bills for more than 2 months when the meter is inaccessible or the location is impractical for reading. However, after the second estimated reading, the utility must notify the customer in writing at the billing address on the customer's account record and

explain that the meter is inaccessible or the location is impractical for reading. The written notice must also explain the action required of the customer to correct the situation.

Rule 5.09. Extended Due Date Policy

- A. Utilities must offer an extended due date policy to customers qualifying under Subsection C. of this Rule. This is intended to enable utilities to change a qualifying customer's utility bill payment due date to coincide with or follow the customer's receipt of that income. Customers who qualify under this policy and pay by the new date will not be considered late on their utility payment. When a customer applies for an extended due date, utilities shall explain the policy and give the explanation to the customer in writing.
- B. Each utility shall file an extended due date policy as a tariff for Commission approval. A policy must include:
 - (1) Who may qualify;
 - (2) How to apply; and,
 - (3) The method for setting the extended due date.
- C. The following customers qualify for an extended due date:
 - (1) Persons receiving Aid to Families with Dependent Children (AFDC), or Aid to the Aged, Blind and Disabled (AABD);
 - (2) Persons receiving Supplemental Security Income; or,
 - (3) Persons whose primary source of income is Social Security or Veterans Administration disability or retirement benefits;

The utility may require verification of the above sources of income.
- D. Utilities may remove a customer's extended due date because the customer did not pay bills by the close of business on the due date 2 times in a row or any 3 times in the last 12 months. Utilities shall notify customers in writing when the extended due date has been removed for late payment.

- E. Utilities may impose a late payment charge on plan participants who do not pay by the extended due date.

Rule 5.10. Levelized Billing Plans for Electric and Gas Utilities

- A. Electric and gas utilities must provide levelized billing plans for qualifying residential customers. When a customer applies for the plan, the utility shall explain the plan and give the explanation to the customer in writing.
- B. A levelized billing plan is not a delayed payment agreement. If a customer on a levelized billing plan becomes delinquent, a utility may remove the customer from the levelized billing plan and, if the customer qualifies, offer the customer a delayed payment agreement.
- C. Utilities shall file levelized billing plans as a tariff for Commission approval. A plan must meet the following standards:
- (1) Applicants must be told about levelized billing plans when they apply for service;
 - (2) Qualifying customers may enter the plan at any time;
 - (3) A utility may charge a Commission-approved processing fee if a customer withdraws from a plan more than 1 time in 12 months. The amount of the processing fee shall be set forth in the utility's tariffed schedule of fees and charges.
 - (4) When a customer withdraws from a levelized billing plan, the customer shall have the option of paying the account balance in full, or, if qualified, under a delayed payment agreement;
 - (5) When a levelized billing customer terminates utility service, the utility shall refund any net credit by check; and,
 - (6) When a levelized billing customer withdraws from the plan, the utility shall refund any credit within 30 days. The utility may refund an overpayment by billing credit unless the customer requests otherwise.